

REMARKS

The present Amendment is a Supplement to the Amendment and response to the Non-Final Office Action mailed May 27, 2009. Applicants express appreciation to the Examiner for the further interview held with applicants' representative on Dec. 15, 2009. As presented herein for reconsideration, independent claims 36 and 64 have been further amended as discussed at the interview. Certain of the dependent claims, namely claims 56 and 68-69, have also been amended to be consistent with their respective independent claims. Thus claims 36 – 39, 41 - 53, 55 – 77 and 113 -118 remain pending (of which claims 36, 50, 64 and 76 are the independent claims).

In a telephonic communication with the Examiner which occurred prior to the interview, the Examiner indicated that independent claims 50 and 76 appeared allowable over the prior art of record, but the Examiner indicated that there were still some lingering concerns over patentability of independent claims 36 and 64, particularly in view of the reference to Becker. Hence the further interview was arranged to discuss and resolve the remaining concerns held by the Examiner.

In accordance with the latest interview, claims 36 and 64 were further amended so that rather than reciting “said at least one of said at least three webs comprising a plurality of web sections, with one of the web sections being angled relative to one other web section when the stent is in the expanded deployed configuration” the noted limitation now requires that “said at least three webs each comprising a plurality of web sections, with one of the web sections being angled relative to one other web section when the stent is in the expanded deployed configuration.” (Claims 36 and 64, emphasis added). At the conclusion of the most recent interview, a draft of an interview summary was prepared which in effect concluded that applicants' proposal to further define claims 64 and 36 so that the at least three webs each comprise a plurality of web sections, with at least one of the web sections being angled relative to at least one other web section . . . defines over Becker and the other prior art of record.¹

¹ Applicants noted at the interview that applicants do not necessarily agree with the Examiner's interpretation of Becker's Fig. 6 as teaching the limitations required by claims 64 and 36 in the form presented in the last amendment. In particular, Becker teaches that the tubular stent “comprises a substantially *continuous* structure . . . which advances substantially helically along a longitudinal axis of said tubular body . . .” Becker at col. 2 – 3 lines 65 – 67 and 1 – 4, (emphasis added). Thus, this structure does not read on the claimed “web structure comprising a *plurality of web patterns interconnected with one another* at a plurality of interconnection locations, and that are *arranged so that the web patterns are situated side-by-side along the longitudinal length of the tubular body, with each web pattern also extending circumferentially around the wall.*” (Claims 36 and 64, emphasis

Lastly, also submitted herewith is a terminal disclaimer over the other applications as discussed at the interview.

In the event the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

Dated this 16th day of December, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

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added). Moreover, as further noted at the interview, the Examiner's interpretation of Becker's Fig. 6 appears to require treating at least some of Becker's webs as web *sections*. In applicants' claims the web and web sections are separately claimed elements, and applicants thus do not agree that Becker's webs can also be interpreted as web sections. For at least the reasons noted, applicants reserve the right to further prosecute claims 36 and 64 as previously presented.